

House File 516

H-1236

1 Amend House File 516 as follows:

2 1. Page 1, line 28, by striking <four> and  
3 inserting <two>

4 2. Page 2, line 27, by striking <four> and  
5 inserting <four two>

6 3. Page 2, line 28, by striking <four> and  
7 inserting <two>

8 4. Page 3, after line 4 by inserting:

9 <Sec. \_\_\_\_ . Section 357A.13, Code 2013, is amended  
10 to read as follows:

11 **357A.13 Selling water.**

12 1. If the capacity of the district's facilities  
13 permits, the district may sell water by contract to  
14 any city, other district, or other person, public or  
15 private, not within the boundaries of a district.

16 2. Notwithstanding any other provision of law to  
17 the contrary, a rural water district or rural water  
18 association may sell water by contract to an owner of  
19 real property located in a city or within two miles of  
20 a city who is not receiving water service as follows:

21 a. An owner of real property located in a city  
22 or within two miles of a city who is not receiving  
23 water service from a city, city utility, or joint  
24 water utility may seek to contract with a district or  
25 association to receive water service. The owner shall  
26 provide written notification to the city clerk of the  
27 city responsible for providing, or of a city that has  
28 adopted an ordinance reserving the right to provide,  
29 water service to the property that the owner is seeking  
30 to enter into a contract with a district or association  
31 to receive water service.

32 b. (1) After providing notification pursuant to  
33 paragraph "a", a property owner may receive offers  
34 for the provision of water service from a district,  
35 association, city, city utility, or joint water utility  
36 for the provision of water service.

37 (2) If the property owner wishes to accept an  
38 offer for the provision of water service pursuant to  
39 this subsection, the property owner shall provide  
40 written notification of the preferred offer to the  
41 city clerk of the city responsible for providing, or  
42 of a city that has adopted an ordinance reserving the  
43 right to provide, water service to the property and  
44 shall include in writing with the notice all terms and  
45 conditions of the preferred offer. This notice shall  
46 constitute an offer to the city to meet the terms and  
47 conditions of the preferred offer.

48 (3) The property owner may accept a preferred offer  
49 if, as provided in paragraph "c", the city responsible  
50 for providing, or of a city that has adopted an

1 ordinance reserving the right to provide, water service  
2 waives its right to provide water service to the  
3 property.

4 c. Upon receiving notice provided pursuant to  
5 paragraph "b", a city may waive the right to provide  
6 water service to the property, may accept the offer  
7 from the property owner to provide service, or may  
8 reserve the right to substantially meet the terms and  
9 conditions of the preferred offer included with the  
10 notification. The city receiving notice pursuant to  
11 paragraph "b" waives the right to provide water service  
12 to the property if the city does not respond within  
13 ninety days following the receipt of such notice.>

14 5. Page 5, after line 5 by inserting:  
15 <Sec. \_\_\_\_ . Section 364.4, Code 2013, is amended by  
16 adding the following new subsection:

17 NEW SUBSECTION. 6. Notwithstanding any other  
18 provision of law to the contrary, a city may sell  
19 water by contract to an owner of real property if that  
20 property is not receiving water service and is located  
21 in a rural water district, an association's service  
22 area, in another city, or within two miles of another  
23 city as follows:

24 a. An owner of real property located in a district,  
25 an association's service area, a city, or within two  
26 miles of a city who is not receiving water service  
27 from a district, association, city, city utility, or  
28 joint water utility may seek to contract with a city  
29 to receive water service. The owner shall provide  
30 written notification to the board of directors of  
31 the district or association or the city clerk of the  
32 city responsible for providing, or a city that has  
33 adopted an ordinance pursuant to subsection 3 reserving  
34 the right to provide, water service to the property  
35 that the owner is seeking to enter into a contract  
36 to receive water service from another district,  
37 association, or city, as applicable.

38 b. (1) After providing notification pursuant to  
39 paragraph "a", a property owner may receive offers  
40 for the provision of water service from a district,  
41 association, city, city utility, or joint water utility  
42 for the provision of water service.

43 (2) If the property owner wishes to accept an  
44 offer for the provision of water service pursuant to  
45 this subsection, the property owner shall provide  
46 written notification to the board of directors of the  
47 district or association or the city clerk of the city  
48 responsible for providing, or a city that has adopted  
49 an ordinance pursuant to subsection 3 reserving the  
50 right to provide, water service to the property of the

1 preferred offer and shall include in writing with the  
2 notice all terms and conditions of the preferred offer.  
3 This notice shall constitute an offer to the district,  
4 association, or city, as applicable, to meet the terms  
5 and conditions of the preferred offer.

6 (3) The property owner may accept a preferred  
7 offer if, as provided in paragraph "c", the district,  
8 association, or city responsible for providing, or  
9 a city that has adopted an ordinance pursuant to  
10 subsection 3 reserving the right to provide water  
11 service waives its right to provide water service to  
12 the property.

13 c. Upon receiving notice provided pursuant to  
14 paragraph "b", the district, association, or city,  
15 as applicable, may waive the right to provide water  
16 service to the property, may accept the offer from the  
17 property owner to provide service, or may reserve the  
18 right to substantially meet the terms and conditions  
19 of the preferred offer included with the notification.  
20 The district, association, or city receiving notice  
21 pursuant to paragraph "b" waives the right to provide  
22 water service to the property if the district,  
23 association, or city does not respond within ninety  
24 days following the receipt of such notice.>

25 6. Title page, line 1, by striking <rural> and  
26 inserting <certain>

27 7. Title page, line 4, after <city> by inserting  
28 <and providing rights to certain owners of property not  
29 receiving water service>

30 8. By renumbering, redesignating, and correcting  
31 internal references as necessary.

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